

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rito de Tierra Amarilla,
Rio Brazos, Rutherford & Plaza Blanca,
Cañones Creek, Village of Chama

MOTION TO ALLOW SERVICE BY PUBLICATION

COMES NOW the plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and requests the Court to enter its order allowing service by publication on the Defendants named herein, and in support of this motion the undersigned counsel for the State of New Mexico states as follows:

1. The States seeks to serve the Defendants named herein by publication pursuant to Rule 4(e)(1) of the Federal Rules of Civil Procedure and Rule 1-004(K) of the Rules of Civil Procedure for the District Courts of the State of New Mexico.

2. Attempts by the State to serve the Defendants listed below by mail or commercial carrier as provided in Rule 1-0004(E)(3) of the Rules of Civil Procedure for the District Courts of the State of New Mexico have been unsuccessful. Certified mail (restricted delivery) addressed to the Defendants named below was returned as unclaimed.

Defendant

Subfile No.

Martin Romero

CHTA-004-0001D

David Maestas

CHRB-006-0027

Roberto Martinez

CHRB-004-0042

Luis Lopez

CHCV-002-0039D

WHEREFORE, the plaintiff State of New Mexico *ex rel.* State Engineer requests the Court to enter its order allowing service of process by publication upon the above-named Defendants.

Dated: August 28, 2007.

Respectfully submitted,

/s/ Ed Newville

EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444
(505) 867-2299 facsimile

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 28th day of August, 2007 I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM-ECF participants in the manner indicated.

via first class mail, postage prepaid addressed as follows:

Martin Romero
6509 La Habra Lane
Albuquerque, NM 87113

David Maestas
P.O. Box 224
Tierra Amarilla, NM 87575

Roberto Martinez
P.O. Box 271
Tierra Amarilla, NM 87575

Luis Lopez
P.O. Box 182
Chama, NM 87520

/s/ Ed Newville
Edward G. Newville